

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ALICIA HERNANDEZ, EMMA WHITE,  
KEITH LINDNER, TROY FRYE,  
COSZETTA TEAGUE, IESHA BROWN,  
RUSSELL and BRENDA SIMONEAUX,  
JOHN and YVONNE DEMARTINO, ROSE  
WILSON, TIFFANIE HOOD, GEORGE  
and CYNDI FLOYD, DEBORA GRANJA,  
and DIANA TREVINO, individually and on  
behalf of all others similarly situated

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,  
Defendant.

No. C 18-07354 WHA

**ORDER RE DEFENDANT'S MOTION  
FOR ATTORNEY'S FEES**

Plaintiffs moved for class certification in August 2019 and oral argument on its motion was heard in November. Because plaintiff's briefing was deficient and for other reasons stated on the record, a prior order denied plaintiffs' class certification motion, and ordered fresh briefing. In order to reimburse defendant Wells Fargo Bank, N.A. for the costs associated with having to re-brief its opposition, plaintiffs' counsel were ordered to pay defendant \$10,000 before they filed their new motion for class certification. Moreover, the Court held that "[a]ny remaining costs associated with re-briefing, if any, shall be paid at a later date." Following re-

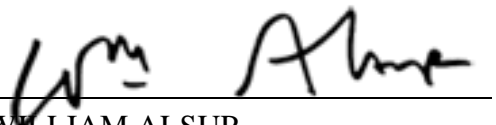
1 briefing, this Court certified a class in this action (Dkt. No. 217). Defendant now moves for  
2 more attorney's fees associated with re-briefing its opposition in the amount of \$110,000 —  
3 the \$120,000 associated with re-briefing with credit for the \$10,000 already paid (Dkt. No.  
4 228). Plaintiffs opposes (Dkt. No. 244).

5 By "a later date" the Court meant much later in this action, near the end, for there could  
6 easily be mistakes by defendant's counsel that would eventually cancel out the remainder.  
7 Accordingly, defendant's motion is premature, and is **DENIED WITHOUT PREJUDICE** to a fresh  
8 motion near the very end of this action, which means after trial or settlement.

9 This order hereby **VACATES** the April 2, 2020, hearing on this motion.

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11 **IT IS SO ORDERED.**

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13 Dated: March 25, 2020.

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16 WILLIAM ALSUP  
17 UNITED STATES DISTRICT JUDGE  
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